

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM HARRISON ALSTON, }  
v. Plaintiff, } C.A. No. 05-168 Erie  
DEBRA FORSYTH, et al., }  
Defendants. }

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on May 27, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on July 26, 2005, recommends that the instant civil rights action be dismissed for Plaintiff's failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at the Federal Correctional Institution at Petersburg, Virginia, where he is incarcerated, and on the Defendant. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 15<sup>th</sup> Day of August, 2005;

IT IS HEREBY ORDERED that the above-captioned case be dismissed due to Plaintiff's failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated July 26, 2005, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN  
United States District Judge

cc: all parties of record